Our Ref: 13301
Your Ref:

18 December 2012

Hutt City Council
Private Bag 31912
LOWER HUTT 5040

Attention: Sarah Clarke,
Senior Planner

Dear Sarah

Application for Resource Consent: Winstone Aggregates Limited - DCR Cleanfill, Felix Road, Hutt City

Please find attached an application for resource consent for the small portion of the unformed paper road known as Felix Road which is affected by the Winstone Aggregates Limited proposed Dry Creek Replacement Cleanfill project.

Further to previous correspondence and discussions, it is understood that Hutt City Council now wishes to have the consent application for works and landuse within a small area contained within the Hutt City boundary considered as part of the substantive application which has been lodged with Wellington Regional Council, and with Porirua City Council.

Need for resource consent

As discussed, the proposed access to the site from State highway 58 has been the subject of extensive investigation and consultation with NZTA. Access onto the proposed cleanfill site from that vehicle crossing requires a formed internal road for the life of the project. That road will be formed to the relevant Porirua City Council minimum engineering standards.

The vast majority of the site falls within the Porirua City Council jurisdiction. Due to the physical constraints of the site, a small area of works will occur within the unformed paper road, Felix Road. The mid-point of Felix Road forms the boundary between Hutt City Council and Porirua City Council jurisdictions. As a result, the following works will be located within Hutt City:

1. A small area (115m²) of the earthworks required for the access road (separated into two separate areas of 97m², and 18m²);
2. Approximately half (36m³) of Sediment Retention Pond No.3; and,
3. Approximately 590m² in area of earthworks associated with the formation of the site operations platform.

The total area of works contained within Hutt City is approximately 741m², or 0.0741ha, out of a total site area of around 14ha.
These areas are identified and illustrated on the attached plan (*Dry Creek Replacement: Area of Site within Hutt City Council (9 July 2012)*).

All earthworks will be undertaken in accordance with conditions of consent and relevant Council Engineering standards. Suggested draft conditions of consent are included in section 6 of the Description and Assessment of Effects document attached.

**Hutt City District Plan - Activity Status**

This underlying zone in the subject area is not clear from the planning maps or the online GIS mapping. It is understood from earlier conversations with Council staff that Felix Road is contained within the General Recreation Activity Area as described by the Hutt City Plan (Planning Map R2). Rule 7A 2.3(b) provides a catch all Discretionary Activity rule for activities not otherwise listed as permitted or Restricted Discretionary within the Plan. The works are not otherwise specifically provided for, and therefore consent as a Discretionary Activity is sought.

Rule 14I 2.2(a) also provides as a General Rule that any earthworks activity unable to comply with the relevant permitted activity standards will require consent as a Restricted Discretionary Activity. The permitted activity standards in 14I 2.1.1 include standards including

(a) *Ground Level - The natural ground level may not be altered by more than 1.2m, measured vertically.*

(b) *Quantity - Maximum volume of 50m³ (solid measure) per site.*

The proposed activity may exceed both of these standards. Consent is therefore also sought for the proposed earthworks.

**The Proposed Activity**

The proposed activity is described in detail in the attached, in particular Section 3 of the Description and Assessment of Effects document. The areas within the Hutt City boundary are illustrated on Attachment 1.

Of particular interest may also be Appendix 2 of the attached Description and Assessment of Effects, which contains the plans showing the four stages of the proposed development. The development of the access road and platform within the Hutt City boundary will be completed during Stage 1. Full details of Stage 1 are also described in section 3.3.2 of the attached Description and Assessment of Effects.

**Volume of Earthworks**

The total volume of earthworks within the Hutt City jurisdiction has been estimated at 1898m³. These areas are illustrated in Figure 1 and 2 below, and in Attachment 1.
Figure 1 – proposed cut and fill locations and volumes cross section

Figure 2 – Cross sections
An additional small area of earthworks will also be required for Sedimentation Pond No.3, and the small area of 18m² on the accessway just downhill from Sediment Pond No.3. It is anticipated that the total volume of earthworks will not exceed 2,050m³.

Detailed design will be completed following the grant of consents, in accordance with any conditions of those consents. All earthworks on site, and adverse effects, and ongoing site management will inform the Cleanfill Management Plan; the Annual Management Plan; the Erosion and Sediment Control Plan; and the relevant design criteria for the access road. Each of these matters is provided for in the draft conditions of consent offered by the Applicant at section 5 of the Description and Assessment of Effects on the Environment document attached.

**Description of any actual and potential effects of allowing the activity**

A comprehensive description and assessment of any actual or potential effects of allowing the activity, including proposed mitigation, is contained in section 5 of the Description and Assessment of Effects on the Environment document attached.

Of particular interest may be:

- Section 5.2 and Appendix 11, relating to cultural and historic significance;
- Section 5.3 and Appendix 8, relating to water quality, erosion and sediment control;
- Section 5.6 and Appendix 6, relating to potential effects on Terrestrial Ecology;
- Section 5.8 and 5.9, relating to potential effects on Natural Character and Amenity Values, including Natural Features and Topography;
- Section 5.10 and Appendix 3 and 4, relating to Natural Hazards;
- Section 5.13 and Appendix 7, relating to potential effects associated with transportation and access;
- Section 5.14 and Appendix 9, relating to visual and landscape effects; and,
- Section 5.15 and Appendix 14, relating to potential effects associated with Noise.

It is considered that any actual or potential adverse effect associated with those aspects of the activity within Felix Road will be no more than minor.

**Attached Description and Assessment of Effects**

The attached description and assessment of effects has been prepared in support of the application to Porirua City Council. The components of the activity contained in the Hutt City Boundary have been fully assessed and considered as part of that application.

Winstone considers it more appropriate to place the relatively minor works within Hutt City in the context of the complete activity, rather than focus only on those aspects within Hutt City. The potential effects of the activity on those small areas within Hutt City have however been taken into consideration in developing the proposal and assessing its potential effects.
Should Council require any further specific detail on the specific aspects within Hutt City in isolation, Winstone is happy to accept any such request.

Certificates of Title

The only areas affected by the proposed activity within Hutt City are understood to be located within the Felix Road corridor, which does not appear to have a Certificate of Title. The Certificates of Title for the balance of the activity site are included in the attached document (Appendix 1 of the Description and Assessment of Effects on the Environment). The proclamation for the state Highway from 1948 is attached to this letter, which also identifies Felix Road.

If Council has any additional legal information regarding Felix Road on its files, including any Title, the Applicant would appreciate copies of this for its files.

Occupation of Felix Road

Thank you for your advice regarding the occupation of the road. That matter will be separately progressed with Hutt City Council in due course.

Yours Sincerely

[Signature]

Kerry Geange
Principal Planner
Geange Consulting
kerry@geangeconsulting.co.nz

Attachments:  
RMA Form 9 Application for Resource Consent

Attachment 1: Dry Creek Replacement: Area of Site within Hutt City Council (9 July 2012)

Attachment 2: SH58 Proclamation

Attachment 3: DCR Application to Porirua City Council (Hard Copy and CD containing electronic copy)
Part One – Resource Consent Application Form

FORM 9

APPLICATION FOR RESOURCE CONSENTS
UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Hutt City Council
    Private Bag 31912
    LOWER HUTT 5040

Attn: Mr Dan Kellow
      Resource Consents Team Leader

1. Winstone Aggregates, a division of Fletcher Concrete and Infrastructure Ltd, applies for resource consent for the activities described below.

2. The activity to which the resource consent relates is the establishment, operation, maintenance and eventual closure of a cleanfill site on rural land near Judgeford, and all associated activities, as described in the Description and Assessment of Effects that accompanies this application. Specifically, this resource consent application to Hutt City Council relates to the use of approximately 741m$^2$ of the unfomed paper road, identified as Felix Road (refer attachment). The majority of the site is contained within the Porirua City Council jurisdiction, and is the subject of a separate consent application being considered jointly with Wellington Regional Council.

3. Felix Road is administered by Hutt City Council.

   For the sake of completeness, it is identified that the names and addresses of the owner of the land to which the wider activity applies are Mr Malcolm Wayne Judd, Ms Susan Victoria Judd and Ms Katrina Louise Ross, of State Highway 58, Pauatahanui. The area of land to which the application applies is some 13.87ha of a larger property, Section 15, Block IV Belmont Survey, Lots 1 and 2, DP 367887, Identifier 275739, Wellington Land Registration District. It is noted that mitigation and compensation planting and associated works will be undertaken on the adjacent Lot 3 DP367887.

4. The location of the proposed activity is to the west of State Highway 58 and generally to the north of the unfomed Felix Road, within Porirua City, as shown on the attached site plan, and in the plans included with the Description and Assessment of Effects that accompanies this application.

5. The type of resource consent sought is:

   A land use consent.
6 The following additional resource consents are required from Greater Wellington Regional Council and Porirua City Council in relation to the proposed activity:

**Greater Wellington Regional Council**

(a) A discharge permit for the discharge of sediment to freshwater during the construction stages of the proposed cleanfill.

(b) A discharge permit for the discharge of sediment to freshwater on an ongoing basis.

(c) A water permit for the diversion of water associated with the construction and management of the cleanfill activity.

(d) A land use consent for the reclamation of the existing stream beds in the area of filling shown on the attached plan.

(e) A discharge permit for the discharge to land of material which may not always fully comply with the definition of cleanfill in the Regional Soil Plan.

(f) An air discharge permit (sought on a precautionary basis)

(g) A land use consent for roading and tracking and soil disturbance activities.

**Porirua City Council**

(h) A land use consent

These are being sought at the same time as this application.

7 Attached, in accordance with Schedule 4 of the RMA, is a Description and Assessment of Effects on the Environment in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment, including information required in terms of the various Regional Plans.

Signed on behalf of Winstone Aggregates

Date
Address for Service of the Applicant

Dan McGregor
Environmental Projects Planner
Winstone Aggregates
PO Box 17 915
Greenlane
Auckland 1546

Phone: DDI (09) 525 9324
     Mobile (021) 405 040
Email:  dan.mcgregor@winstoneaggregates.co.nz
[Extract from N.Z. Gazette No. 5, 9th January, 1914, page 95]

DEFINITION OF A ROAD in Blocks III and IV, Belmont Survey District, and Block X, Pakahakiri Survey District—viz., the Definition of the Haywards-Parkmore Main Highway

[Sub.] R. G. FREYBERG, Governor-General

A PROCLAMATION

Pursuant to the Public Works Act, 1905, I, Lieutenant-General Sir Richard George Freyberg, the Governor-General of the Dominion of New Zealand, do hereby proclaimed and declare that the following Lands in the Belmont Survey District, and Block X, Pakahakiri Survey District—viz., a definition of the Haywards-Parkmore Main Highway—shall be so defined and set forth in the Schedule hereinafter.

SCHEDULE

Commences at the point of termination of the middle-line defined by Proclamation published in New Zealand Gazette No. 91 of the 18th day of July, 1908, at page 754, opposite Let 5, D.P. 15658, as the existing Haywards-Parkmore Main Highway distant 360 links south of the southerly boundary of Section 6th, Hutt District, delineated on H.O. plan No. 20-00, Block IV, Belmont Survey District; thence proceeding in a north-westerly direction generally for a distance of 2 miles 30 chains, and passing in, into, through, or over the following lands, etc., etc., viz.: Part Sections 16, 17, 18, and 19, Block IV, Belmont Survey District; part Section 16, Pakahakiri Agricultural Reserve; Block IV, Belmont Survey District; part Sections 8 and 9, Pakahakiri Agricultural Reserve, Block X, Pakahakiri Survey District; and terminating as a point on the western boundary of Block X, Pakahakiri Survey District, including all adjoining and intersecting places, lands, reserves, roads, tracks, lakes, streams, streams, and watercourses; all in the Wellington Land District. As the same is delineated on the plan marked H.O. 13564, deposited in the office of the Minister of Works at Wellington.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and sealed under the Seal of that Dominion, this 26th day of January, 1914.

E. R. SIMPLE, Minister of Works.

[Signature]

(Note on back)

R. V. Fray, Government Printer, Wellington.

[Signature]
No. 3862

PROCLAMATION

Particulars entered in the Rejected Book. References as in Schedule below. This 12th day of February 1948 at 3 pm.

Schedule

63 T. 450, 30/12, 34/17, 34/218, 37/1, 79/12, 87/88, 115/34, 128/1, 216/283, 35/39, 857/39, 489/101, 493/144, 527/38 and 532/46.

Note: In T. 414/283

("/" is not clear)